United Nations S/AC.51/2017/2

Security Council

Distr.: General
13 July 2017

Original: English

Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Somalia

1. At its 62nd meeting, on 14 February 2017, the Working Group on Children and Armed Conflict examined the fourth report of the Secretary-General on children and armed conflict in Somalia (S/2016/1098), covering the period from 1 April 2010 to 31 July 2016, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Chargé d'affaires a.i. of the Permanent Mission of Somalia to the United Nations also addressed the Working Group.

2. The members of the Working Group welcomed the submission of the report of the Secretary-General, submitted in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), and took note of the analysis and recommendations contained therein.

3. The members of the Working Group welcomed the efforts of the Federal Government of Somalia to implement the action plan regarding children associated with the Somali National Army and the action plan to halt the killing and maiming of children by the Somali National Army, both signed in 2012, and strongly urged the Federal Government to accelerate their implementation. The members strongly condemned all violations and abuses committed against children in Somalia and their increase since 2015. The members of the Working Group also expressed grave concern at the scale and nature of violations and abuses committed against children in Somalia.

4. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), the Working Group agreed to the direct action set out below.

Public statement by the Chair of the Working Group

5. The Working Group agreed to address a message, through a public statement by the Chair of the Working Group, to all the parties to the armed conflict in Somalia, including the Somali National Army, Somali regional security forces, clan militias and, in particular, the armed groups operating in Somalia, including Al-Shabaab and Ahl al-Sunna wal-Jama'a:

(a) Strongly condemning all violations and abuses committed against children in Somalia and their increase since 2015 and urging all parties to the conflict to immediately end and prevent all violations of applicable international

Please recycle

law involving the recruitment and use of children, abduction, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals and denial of humanitarian access and to comply with their obligations under international law;

(b) Calling upon the parties to further implement all previous conclusions of the Working Group on Children and Armed Conflict in Somalia (S/AC.51/2007/14, S/AC.51/2008/14 and S/AC.51/2011/2);

(c) Welcoming the efforts made by the Federal Government of Somalia since the previous conclusions of the Working Group and calling upon the Government to swiftly and fully implement the two action plans signed in 2012, including by releasing immediately and without preconditions all children from their ranks and through the criminalization of the recruitment and use of children, the issuance of command orders prohibiting and sanctioning the recruitment and use of children and other violations and abuses against children in armed conflict, the establishment of age assessment mechanisms in their recruitment process and the screening of troops;

(d) Also welcoming the ratification by the Federal Government of Somalia of the Convention on the Rights of the Child, strongly encouraging the Government to ratify the Optional Protocol to the Convention on the involvement of children in armed conflict and urging federal and regional authorities to swiftly align federal or regional legislation with the international obligations of Somalia under the Convention;

(e) Strongly urging all armed groups, in particular Al-Shabaab, to immediately and without preconditions release all children associated with them and end and prevent further recruitment and use of children, including re-recruitment of children who have been released;

(f) Expressing deep concern about the high number of children killed or maimed, as a direct or indirect result of hostilities between parties to the armed conflict and of incidents of indiscriminate attacks against the civilian population, including those involving aerial bombardment, and calling upon all parties to respect their obligations under international humanitarian law, in particular the principles of distinction and proportionality enshrined therein;

(g) Expressing grave concern about the high number of cases of rape and other forms of sexual violence perpetrated against children and urging all parties to the armed conflict to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of their respective groups;

(h) Calling upon all parties to the armed conflict to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, and to end and prevent attacks or threats of attacks against those institutions and their personnel, as well as the military use of schools and hospitals, in violation of applicable international law;

(i) Urging armed groups, in particular Al-Shabaab, to cease the abduction of children and all violations and abuses committed against abducted children and to immediately release without preconditions all abducted children in their captivity to relevant civilian child protection actors;

(j) Calling upon all parties to the armed conflict to allow and facilitate full, safe and unhindered humanitarian access to children, respect the exclusively humanitarian nature and impartiality of humanitarian aid and respect the work of all United Nations humanitarian agencies and other humanitarian actors, without distinction;

(k) Expressing grave concern about the detention of children on national security charges in violation of applicable international law, as well as about the use of detained children as spies in intelligence operations and counter-terrorism activities, and urging the Federal Government of Somalia to comply with its obligations under the Convention on the Rights of the Child, in particular that the deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period and be guided by the best interests of the child;

(l) Welcoming the willingness of the Federal Government of Somalia to address these issues and urging it to fulfil its commitments under the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), which it has endorsed, and the standard operating procedures for the reception and handover of children separated from armed groups signed by the Federal Government of Somalia, including by treating children associated with armed groups primarily as victims;

(m) Encouraging the Federal Government of Somalia to focus on sustainable reintegration opportunities for children affected by armed conflict, including the sensitization of communities to avoid the stigmatization of these children, while taking into account the specific needs of boys and girls, as well as of children with disabilities, orphans and unaccompanied children;

(n) Welcoming the fact that, on 5 October 2016, 26 of 64 children detained since March 2016 for their alleged association with Al-Shabaab were released by the Puntland authorities and handed over to the United Nations, while condemning the sentencing to death and heavy prison sentences of children for their alleged association with Al-Shabaab, in violation of their obligations under international law;

(o) Urging the Puntland authorities to review the heavy prison sentences against the children remaining in detention for their alleged association with Al-Shabaab in accordance with applicable international law and to continue to work with the United Nations to support swift reintegration and reunification with their families in their regions of origin and rehabilitation;

(p) Calling upon all non-State armed groups to publicly express their commitment and take active steps to end and prevent all violations and abuses committed against children and to enter into dialogue with the United Nations to prepare, adopt and implement without delay action plans to end and prevent violations and abuses against children in line with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011) and 2225 (2015);

(q) Expressing deep concern over the lack of accountability for violations and abuses committed against children and calling for an end to impunity by ensuring that all perpetrators of violations and abuses are swiftly brought to justice and held accountable, including through timely and systematic investigation and prosecution;

(r) Welcoming the commitments made by the African Union and the African Union Mission in Somalia (AMISOM) to peace and security in Somalia and to the protection of children affected by armed conflict in Somalia and urging the African Union and troop-contributing countries to take all necessary measures to end and prevent violations and abuses against children, including fully implementing the Force Commander's directive on the protection of children's rights and complying with the standing operating procedures on the handover of children formerly associated with armed forces and armed groups signed by the Federal Government of Somalia, and to ensure accountability for perpetrators by undertaking prompt,

thorough and transparent independent investigations of any allegations of violations and abuses committed by their troops;

(s) Recalling that the Security Council, in its resolution 2317 (2016), recalled the financial and travel measures imposed by resolution 2002 (2011), which apply to individuals and entities designated by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea in accordance with paragraph 43 of resolution 2093 (2013), for actions that threaten the peace, stability or security of Somalia, such as:

(i) Recruitment or use of children in armed conflict in Somalia by political or military leaders in violation of applicable international law;

(ii) Violation of applicable international law in Somalia involving the targeting of civilians, including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement;

(iii) Obstruction of the delivery of humanitarian assistance to Somalia or access to or the distribution of humanitarian assistance in Somalia;

(t) Expressing the readiness of the Working Group to communicate to the Security Council and to the Committee pertinent information with a view to assisting them in the imposition of targeted measures on perpetrators.

6. The Working Group agreed to address a message, through a public statement issued by the Chair of the Working Group, to community and religious leaders:

(a) Emphasizing their important role in enhancing the protection of children in armed conflict;

(b) Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving the recruitment and use of children, rape and other forms of sexual violence against children, abductions, attacks and threats of attacks against schools and hospitals, and denial of humanitarian access.

Recommendations to the Security Council

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group addressed to the Federal Government of Somalia:

(a) Welcoming the efforts made by the Federal Government of Somalia since the previous conclusions of the Working Group and calling upon the Government to swiftly and fully implement the action plan to end and prevent the recruitment and use of children by the Somali National Army and the action plan to halt the killing and maiming of children by the Somali National Army, both signed in 2012, including through the criminalization of the recruitment and use of children, the issuance of command orders prohibiting and sanctioning the recruitment and use of children and other violations and abuses against children, the establishment of age assessment mechanisms in their recruitment process and the screening of troops;

(b) Welcoming the creation of the Child Protection Unit in the Ministry of Defence to support the implementation of the action plans and encouraging the Federal Government of Somalia to provide it with the necessary staffing and financial resources;

(c) Welcoming the ratification by the Federal Government of Somalia of the Convention on the Rights of the Child, strongly encouraging the Government to ratify the Optional Protocol to the Convention on the involvement of children in

armed conflict and urging federal and regional authorities to swiftly align federal or regional legislation with the international obligations of Somalia under the Convention;

(d) Stressing the primary role of the Federal Government of Somalia in providing protection and relief to all children affected by armed conflict in Somalia, and recognizing the importance of strengthening national capacities in this regard;

(e) Expressing deep concern about the killing and maiming of children in violation of applicable international law, in the course of military operations, reminding the Federal Government of Somalia of its obligations under international law and urging it to make all efforts to protect children through strict adherence to the principles of distinction and proportionality in the conduct of military operations;

(f) Strongly urging the Somali National Army and allied militias to immediately and without preconditions release children from their ranks to relevant civilian child protection actors;

(g) Welcoming the adoption of standard operating procedures for the reception and handover of children separated from armed groups in 2014, urging their full implementation, including by addressing existing operational and policy gaps in cooperation with the United Nations and encouraging their wide dissemination to relevant actors across the country;

(h) Welcoming the release and handover to child protection actors of children detained in the Serendi and Hiil-Walaal centres and of children captured in Galmudug;

(i) Expressing grave concern about the detention of children on national security charges in violation of applicable international law, as well as about the use of detained children as spies in intelligence operations and counter-terrorism activities, and urging the Federal Government of Somalia to comply with its obligations under the Convention on the Rights of the Child, in particular that the deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period and be guided by the best interests of the child;

(j) Welcoming the willingness of the Federal Government of Somalia to address these issues and urging it to fulfil its commitments under the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), which it has endorsed, and the standard operating procedures for the reception and handover of children separated from armed groups signed by the Federal Government of Somalia, including by treating children associated with armed groups primarily as victims;

(k) Welcoming the fact that, on 5 October 2016, 26 of 64 children detained since March 2016 for their alleged association with Al-Shabaab were released by the Puntland authorities and handed over to the United Nations, while condemning the sentencing to death and heavy prison sentences of children for their alleged association with Al-Shabaab, in violation of their obligations under international law;

(l) Urging the Puntland authorities to review the heavy prison sentences against the remaining children for their alleged association with Al-Shabaab in accordance with applicable international law and to continue to work with the United Nations to support swift reintegration and reunification with their families in their regions of origin and rehabilitation;

(m) Urging the Federal Government of Somalia to ensure that all disarmament, demobilization and reintegration programmes and security sector

reforms take into account the specific needs and protection of children affected by armed conflict and that existing vetting mechanisms are strengthened, so that no perpetrators of violations and abuses against children are integrated or recruited into the regional and federal security forces, and to systematically withdraw all perpetrators of violations and abuses committed against children from its ranks;

(n) Calling upon the Federal Government of Somalia to focus on sustainable reintegration opportunities for children affected by armed conflict, including the sensitization of communities to avoid the stigmatization of these children, while taking into account the specific needs of boys and girls, as well as of children with disabilities, orphans and unaccompanied children;

(o) Requesting the Government to ensure training of the relevant federal and regional security authorities, including the Somali National Army, the Somali National Police, the Ministry of Defence Child Protection Unit and the National Intelligence and Security Agency, and community child protection focal points on child protection issues;

(p) Expressing deep concern over the lack of accountability for violations and abuses committed against children and calling upon the Federal Government of Somalia to put an end to impunity by ensuring that all perpetrators of violations and abuses are swiftly brought to justice and held accountable, including through timely and systematic investigation and prosecution;

(q) Expressing concern about the military use of schools by the Somali National Army in violation of its obligations under international law and stressing the importance of access to education and health care for children in Somalia, commending the Federal Government of Somalia for its commitment to education and the protection of schools through its endorsement of the Safe Schools Declaration and calling upon the Government to ensure that schools and related personnel are protected;

(r) Inviting the Federal Government of Somalia to keep the Working Group informed of its efforts to implement the recommendations of the Working Group and the Secretary-General, as appropriate.

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group to the Secretary-General:

(a) Requesting the Secretary-General to ensure the effectiveness of the monitoring and reporting mechanism in Somalia and of the child protection component of the United Nations Assistance Mission in Somalia (UNSOM), including by allocating sufficient dedicated child protection capacity to the component to, inter alia, monitor and report on violations and abuses committed against children, mainstream child protection within the Mission, train the Mission personnel on child protection and engage in dialogue with parties to armed conflict on action plans and their implementation;

(b) Also requesting the Secretary-General to ensure that the United Nations continues its advocacy for the release and reintegration of children associated with armed groups and armed forces and of children detained for their alleged association with armed groups, in particular the children detained in Puntland since March 2016 for their alleged association with Al-Shabaab;

(c) Further requesting the Secretary-General to ensure that the United Nations country task force on monitoring and reporting prioritizes its efforts to ensure that the action plans are fully implemented;

(d) Encouraging continued cooperation of the United Nations with AMISOM, including its Child Protection Officer, in particular on the protection of children arrested and captured during military and security operations;

(e) Inviting the Secretary-General to request UNSOM, the United Nations Development Programme, the United Nations Children's Fund and other relevant United Nations agencies, within their respective mandates, to continue to strengthen their efforts to support the Federal Government of Somalia and regional authorities in fighting impunity, implementing the Convention on the Rights of the Child, establishing effective age verification mechanisms, mainstreaming the specific needs and protection of children affected by armed conflict in all disarmament, demobilization and reintegration programmes and security sector reforms and providing long-term rehabilitation and reintegration programmes to children.

9. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group to the President of the Peace and Security Council and the Chairperson of the Commission of the African Union:

(a) Welcoming the commitments made by the African Union and AMISOM to peace and security in Somalia and to the protection of children affected by armed conflict in Somalia;

(b) Stressing the need for all military action against Al-Shabaab to be conducted in compliance with international humanitarian law, in particular the principles of distinction and proportionality enshrined therein;

(c) Encouraging AMISOM to fully implement the Force Commander's directive on the protection of children's rights during and after operations and to comply with the standard operating procedures for the reception and handover of children separated from armed groups in Somalia signed by the Federal Government of Somalia;

(d) Encouraging AMISOM to continue its cooperation with the United Nations regarding child protection issues and urging AMISOM to devise an alert system to inform the United Nations whenever its forces capture and hand children over to the Somali National Army and the National Intelligence and Security Agency to enable adequate follow-up on the situation of those children and ensure their protection;

(e) Calling upon AMISOM and the African Union to investigate and report thoroughly and transparently allegations of violations and abuses against children by their troops and ensure accountability for perpetrators;

(f) Strongly encouraging the Peace and Security Council to include in the AMISOM mandate specific provisions for the protection of children;

(g) Further encouraging the African Union to deploy child protection officers or designate child protection focal points within AMISOM to contribute to training, capacity-building and advocacy on violations and abuses committed against children.

10. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea:

(a) Recalling paragraph 7 (b) of resolution 1882 (2009), by which the Security Council requested enhanced communication between the Working Group and relevant Council sanctions committees, including through the exchange of

pertinent information on violations and abuses committed against children in armed conflict;

(b) Encouraging the continued sharing of relevant information by the Special Representative of the Secretary-General for Children and Armed Conflict with the Committee and the Working Group;

(c) Encouraging the Committee to continue to consider the designation for sanctions of individuals and entities, in accordance with the rules and guidelines of the Committee.

11. The Working Group agreed on the following vis-à-vis the Security Council:

(a) Recommending that the Security Council continue to take into due consideration the situation of children and armed conflict in Somalia, in particular when discussing the mandates of UNSOM and AMISOM and their activities;

(b) Encouraging the Security Council to ensure the continuation of and support for the implementation of a child protection mandate for UNSOM, especially with regard to monitoring, reporting, training and mainstreaming, as well as dialogue with parties to the armed conflict on action plans and support in their implementation;

(c) Inviting the Security Council to transmit the present document to the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

Direct action by the Working Group

12. The Working Group agreed to send letters from the Chair of the Working Group addressed to the World Bank and other donors:

(a) Stressing that the best way to protect children is through peace and urging the World Bank and donors to continue to provide political and financial support to Somali peacebuilding initiatives;

(b) Calling upon the World Bank and donors to prioritize support for the timely and effective implementation of the two action plans signed in 2012, including by making funding available;

(c) Also calling upon the World Bank and donors to provide support to programmes and initiatives of federal and regional authorities aimed at protecting children affected by the armed conflict in Somalia, including prevention and reintegration activities and strengthening of justice and rule of law institutions, as well as finding durable solutions for internally displaced children;

(d) Further calling upon the World Bank and donors to support the child protection efforts and initiatives of United Nations agencies and non-governmental organizations related to the strengthening of federal and regional capacities, institutions and programmes, such as putting in place age assessment mechanisms in the recruitment process of the Somali National Army and other security forces and promoting birth registration;

(e) Urging donors that support disarmament, demobilization and reintegration programmes and security sector reforms to take into account the rights, specific needs and protection of children affected by armed conflict;

(f) Encouraging donors to support the development of clear codes of conduct for Somalia security forces that strictly prohibit violations against children, including the recruitment and use of children in armed conflict in violation of international law, and to support the development of accountability and oversight

mechanisms to ensure that all perpetrators of violations are swiftly brought to justice and held accountable, including through timely and systematic investigation and prosecution;

(g) Calling upon the donor community to support the release and reintegration of children and highlighting that it must be in line with international law, including the best interests of the child;

(h) Encouraging donors to ensure support for training relevant federal and regional security authorities, including the Somali National Army, the Somali National Police, the Child Protection Unit of the Ministry of Defence and the National Intelligence and Security Agency, and community child protection focal points on child protection issues;

(i) Calling for greater support for employment opportunities as well as education and awareness-raising among community leaders and parents throughout Somalia on the prevention of the recruitment and use of children in violation of international law and encouraging donors to support such efforts;

(j) Encouraging donors to support and research programming on the prevention of radicalization in the context of Somalia;

(k) Inviting international partners, including the World Bank and donors, to keep the Working Group informed of their funding and assistance efforts, as appropriate.

Annex

Statement made by the Chargé d'affaires a.i. of the Permanent Mission of Somalia to the United Nations at the 62nd formal meeting of the Working Group on Children and Armed Conflict

Mr. Chair, distinguished members of the Security Council, ladies and gentlemen,

At the outset, I would like to congratulate you, Mr. Chair, on assuming the chairmanship of the Working Group on Children and Armed Conflict, and we wish you every success in your work. I would like to take this opportunity to commend the current Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, and all who paved the way to realizing this mandate over the past two decades.

The Federal Government of Somalia, in the past four years, has made significant advances in Somali children's rights. The historic milestone was the President signing the Convention on the Rights of the Child in January 2015. Since the signing of the Convention, the number of children in the army has dramatically declined. This momentous breakthrough provides the basis for further institutional building and government capacity development, given the requisite framework to protect children's rights, including upgrading legislation and policy.

Another milestone was signing the standard operating procedures on reception and handover of children from armed groups, as well as our work with the United Nations Children's Fund (UNICEF) to implement the global campaign "Children, not soldiers" and the action plans signed by the Government in 2012, one on ending the recruitment/use of children and the other on ending the killing and maiming of children. The Prosecutor's office has conducted enquiries into incidents of grave child rights violations that were reported in different areas of Somalia. Moreover, this office brought suspects to Mogadishu to stand trial and worked with relevant ministries to fly out victims for treatment. The Somali Federal Government is committed to further improving monitoring and establishing measures to prevent these grave violations against our children.

The Somali Government continued its efforts for the release and reintegration of children recruited by armed forces and groups. This is done through the establishment of the Serendi rehabilitation centre for disengaged fighters of armed groups. The purpose of this centre is to rehabilitate adults and children formerly associated with armed groups before reintegrating them into society. The reintegration interventions include the opportunity for the former fighters to go back to enjoy (in)formal education, vocational and livelihoods skills training, psychosocial guidance, tracing and family reunification and placement into foster care families. In order to improve reintegration interventions further, we will devote particular attention to ensuring that families are able to survive as we provide them with basic services such as health care and housing.

We have also improved the procedures and policies of the centre, making it more transparent and open to independent monitoring. Today, 64 disengaged child fighters have been transferred to child-appropriate facilities better equipped for their specific needs. In that regard, we thank our partners and we urge them to ensure that disarmament, demobilization and reintegration programmes continue to receive the resources necessary to operate effectively.

The Ministry of Education partnered with UNICEF to ensure children and youth groups' participation in child protection activities by establishing 500 child rights clubs, promoting safe and protective learning environments in schools across Somalia. Community-based child protection mechanisms were effective in

preventing and responding to threats to children's well-being, with community-based child protection implemented in 28 districts. The programme aims to empower communities to take on the protection of child rights and violations, while taking action to prevent recurrences and to provide support to children. Nonetheless, gaps remain in understanding the underlying motivations of children to engage voluntarily in armed conflict. This needs more in-depth research in order to prevent and respond to child recruitment.

The Federal Government of Somalia has achieved many goals in the past four years when it comes to protecting our children in armed conflict, but there is always more room for improvement. We condemn and we are committed to investigating the serious incidents stated in the report of the Special Representative of the Secretary-General, including arrests, deaths and shelling of hospitals and schools in counter-terrorism operations. In cooperation with our international partners, we have made overall progress in improving Somali children's access to justice, social services and the establishment of a minimum package regarding a functional child protection system. Challenges still remain in age verification owing to the absence of established birth registration systems.

The Somali Government improved Somali National Army conduct by collaborating with the United Nations, the European Union training mission and the African Union Mission in Somalia (AMISOM), which provided training on child protection to more than 8,000 Somali National Army soldiers. We will continue to monitor that all Somali security forces are upholding and advancing their national and international obligation in terms of human rights. As the Somali Government plans to reach the 2020 "one person, one vote" agenda, rebuilding our national security forces will be crucial to protect our people and defeat the international terrorist organization Al-Shabaab, as well as to pave the way for AMISOM drawdown in 2018 and its eventual exit. Therefore, we ask our international partners to continue to support our national security forces and to consider delisting the forces from the Secretary-General's future report.

It is a new dawn for Somalia with the election of the President-elect, Mohamed Abdullahi Farmajo. We are committed to assuming our primary responsibility in the protection of the children within our borders. From that perspective, we recognize and work on durably strengthening our institutional capacities in terms of the legislative, judicial and executive branches. The Somali Government will scale up its efforts to protect the most vulnerable — the youngest among us — and, with them, our future. Council members may rest assured that Somalia will continue furthering that endeavour.